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राजपत्र, हिमाचल प्रदेश

(असाधारण)

हिमाचल प्रदेश शासन द्वारा प्रकाशित

शिमला, वीरवार, 13 मार्च, 1958/फाल्गुन 22, 1879

HIMACHAL PRADESH ADMINISTRATION

FOREST DEPARTMENT

NOTIFICATION

Simla-4, the 3rd March, 1958

RULES UNDER THE PUNJAB WILD BIRDS AND WILD ANIMALS PROTECTION ACT (II OF 1933) AS APPLIED TO DISTRICT BILASPUR

No. Ft. 45-37/55.—The following draft of Rules which it is proposed to make in exercise of the powers under section 13 of the Punjab Wild Birds and Wild Animals Protection Act, 1933 (II of 1933), as applied to Bilaspur is published as required by that section for the information of persons likely to be affected thereby and notice is hereby given that the draft will be taken into consideration after two weeks of the publication of this Notification.

Any objection or suggestion which may be received by the Chief Conservator of Forests, Himachal Pradesh, within the aforementioned period from any person with respect to the said draft will be considered by the Himachal Pradesh Administration.

RULES UNDER THE PUNJAB WILD BIRDS AND WILD ANIMALS PROTECTION ACT (II OF 1933) AS APPLIED TO HIMACHAL PRADESH

No. Ft. 85-1/48.—In exercise of the powers conferred by section 13 of the Punjab Wild Birds and Wild Animals Protection Act (II of 1933), as applied to Himachal Pradesh the Chief Commissioner, Himachal Pradesh, is pleased to make the following

Rules to regulate hunting, shooting, fishing, the poisoning of water and the setting of traps or snares in Himachal Pradesh except reserved and protected forests:—

RULES

1. These Rules may be called the Himachal Pradesh Wild Birds and Wild Animals Protection Rules.

2. They shall extend to the whole of Himachal Pradesh and shall come into force on the 15th day of September, 1949.

3. In these Rules unless there is anything repugnant in the subject or context:—

(a) "The Act" means the Punjab Wild Birds and Wild Animals Protection Act (II of 1933), as applied to Himachal Pradesh.

(b) "Contractor" means any person who regularly deals or trades in wild birds or wild animals, whether dead or alive, within the meaning of the Act.

(c) "District Fauna Committee" means a Committee appointed under these Rules to carry out the purposes of the Act.

(d) "General Game" means all wild birds mentioned under Schedule No. II & III of the Act except those protected throughout the year and wild animals mentioned under Rule 32 of these Rules.

(e) "Permit" means a permit or licence granted under these Rules.

PART A

GENERAL RULES

4. Applications for licences shall be addressed by registered post to the Chief Conservator of Forests, Himachal Pradesh or the Conservator of Forests or the Divisional Forest Officer concerned or the Deputy Game Warden, Himachal Pradesh, in which it is proposed to shoot. Applications for shooting licences shall be accompanied by an Arms Licence issued under the Indian Arms Act XI of 1878, which should be valid for the whole of India or for the whole or any District of the Himachal Pradesh.

5. The licences, under the Punjab Wild Birds and Wild Animals Protection Act (II of 1933), as applied to Himachal Pradesh will, on payment of the prescribed fees, be issued by the Chief Conservator of Forests, Himachal Pradesh, the Conservator of Forests or the Divisional Forest Officer concerned or the Deputy Game Warden, Himachal Pradesh, Simla.

The licence fee shall be deposited in any of the Himachal Pradesh Treasuries under head XXXVI-Miscellaneous department (Game licence fee) of Himachal Pradesh Game department.

6. The procedure and the fees payable for the renewal of a licence shall be the same as these prescribed for the grant of a licence.

7. The period of every shooting licence under these Rules shall terminate on the date on which the licensee's Arms Licence terminates.

The licences for,—

(i) hunting with dogs and hawking;

(ii) netting, noosing or snaring;

(iii) purchase, possession or sale of wild birds and wild animals;

shall terminate on 30th May or 30th November, according to the close season in Summer or in Winter respectively following the date of issue.

8. A licence may be cancelled at any time by the Officer granting it, or by the Chief Conservator of Forests. Any breach of the Wild Birds and Wild Animals Protection Act, or of any Rule made thereunder, if committed by the holder of a licence or by any of his retainers or followers, shall render the licence liable to cancellation.

9. A licence under these Rules shall not entitle the holder thereof to kill or capture wild birds and wild animals in any Reserved or Protected Forest or in any Shooting Block under the management of Government in contravention of any Rules made under the Forest Act.

10. (a) A licence under these Rules shall not entitle the holder thereof to kill, or to capture, or to possess whether dead or alive, or to buy or sell, or to offer for sale any wild bird or wild animal which is not included in any of the Schedules to the Act.

(b) The Lieutenant Governor, Himachal Pradesh, may from time to time limit the number of licenses to be issued and the maximum number of each kind of Game to be shot or snared by the holder of a licence in one day, and may from time to time prohibit shooting or snaring of wild birds and wild animals in any particular area, or the shooting or snaring of any particular kind of Game for the period he may deem necessary in the exercise of his individual judgement.

(c) All restrictions imposed by the Lieutenant Governor under Rule 10 (b) shall be published in the Official Gazette and a copy attached to all licenses issued. Copies shall be hung in the offices of the Deputy Commissioners, the Divisional Forest Officers and the Deputy Game Warden, Himachal Pradesh.

11. The killing or capturing of the females or the young of all deer, gazelle and antelope is strictly prohibited throughout the year.

12. The killing or capturing of deer with horns in velvet is prohibited.

13. No Game may be shot during the period from half an hour after sunset to half an hour before sunrise, except as provided for in section 12 of the Act.

14. No person shall destroy or take the eggs or nests of any small Game without the written permission of the Deputy Game Warden, Himachal Pradesh.

15. Shooting or roosting birds is strictly prohibited.

16. The following persons are authorized to require production of a licence under section 5 of the Act or to lodge complaints under section 11 of the Act:—

(a) All Gazetted Officers, Civil or Military, in the service of the Government;

(b) All Police Officers not below the rank of Sub-Inspector;

(c) All Forest Officers;

(d) All Fisheries Officers not below the rank of Sub-Inspector;

(e) All Magistrates, stipendiary or honorary;

(f) Conservator of Forests or Divisional Forest Officer concerned;

(g) Any other person specially authorized by the Chief Conservator of Forests, Himachal Pradesh, in this behalf;

(h) All Rangers (Game);

(i) All Foresters (Game);

(j) All Game Watchers.

17. Hunting with dogs and hawking shall be governed by these Rules, and no person shall kill or capture any wild bird or wild animal, except those mentioned

in Schedule I of the Act, by means of hawks or with dogs, without a licence. The holder of a licence under these Rules may use dogs for the purpose of flushing and retrieving birds and hares.

The licence fee for hawking shall be Rs. 5 except for goshawks (baz or zoora) which shall be as follows, namely:—

Rupees 10 for each goshawks upto the limit of three goshawks and an additional fee of Rs. 20 for each goshawks over that number. The licence for hawking shall be valid only for the District for which it is issued. The licence fee for hunting with dogs shall be Rs. 5 upto six dogs and an additional fee of eight annas for each dog over that number.

The season for hunting with dogs and hawking shall be that prescribed in column 5 of Schedules II & III of the Act, and the capture or killing, of wild birds and wild animals by hawks and dogs at any other period of the year is prohibited.

18. (i) Whoever commits a breach of the provisions of the Act or of any Rule made thereunder or of any condition of the licence shall be punishable with fine which may extend to rupees fifty or in default with imprisonment of either description which may extend to one month.

(ii) Whoever having already been convicted of an offence under the Act or the Rules if again convicted thereunder, shall on every subsequent conviction, be punishable with fine which may extend to rupees five hundred or in default with imprisonment of either description which may extend to three months and shall in addition the punishment provided for the offence be liable to confiscation of the licence. On conviction of any person for an offence under the Act or the Rules, the convicting Magistrate may, in addition to any other penalty imposed, order any net, trap or snare used in Commission of such offence, or any wild bird or wild animal killed, captured, bought, sold or offered for sale, in contravention of the provisions of this Act, to be confiscated and destroyed or to be sold and converted into money and the proceeds therefore forfeited.

(iii) A copy of every order made under Rules, in respect of a licence, together with the nature of the offence committed, shall be endorsed by the Magistrate on the licence, and a copy of every endorsement so made shall be sent to the authority by which such licence has been granted.

(iv) Any person who is convicted in contravention of these Rules shall be black-listed for one to three years to be decided by the licence issuing authority and no licence under these Rules shall be granted to such persons for the period for which he is black-listed.

19. No licence under these Rules shall be transferable.

20. The Chief Conservator of Forests, Himachal Pradesh, in each District shall appoint a District Fauna Committee to perform the functions assigned to it under these Rules and to advise generally about the protection of the Fauna of the District.

PART B

NETTING, NOOSING AND SNARING RULES

21. The netting, noosing, snaring or the capturing of wild birds and wild animals by any method whatsoever is prohibited throughout the year, except as provided for in section 4 of the Act.

22. The fee for a licence to net, noose, snare or to capture in any other way for wild birds and wild animals shall be Rs. 20.

23. The licence shall be issued in the form appended to these Rules, and the Chief Conservator of Forests, or any Gazetted Officer authorised by him in this behalf, may determine the number of licences to be issued in any area outside the forests and the persons to whom they may be issued.

24. A licensee may use any kind of net, noose or snare, but he shall not use more than one contrivance of either kind at one and the same time.

25. A licensee may not engage or employ more than two-non-licensees to assist him with his gear.

26. A licensee may not possess alive any wild bird or wild animal which has been seriously maimed or injured.

Explanation.—The clipping of the feathers of the bird's wings is not an injury within the meaning of this Rule.

27. The setting of nets, nooses, traps or snares for catching deer, gazelle, antelope and partridge after sunset and before sunrise is prohibited.

FOREST DEPARTMENT, HIMACHAL PRADESH NETTING, NOOSING AND SNARING LICENCE

Serial number of licence.

Date of issue.

Valid for District of.....only.

In consideration of the sum of Rs.....received from.....
....., this licence is hereby issued to him and is valid upto, 195 ..

This licence is issued in accordance with the Punjab Wild Birds and Wild Animals Protection Act (II of 1933), as applied to Himachal Pradesh and Rules framed thereunder.

*Signature and designation of the
authority issuing the licence.*

Date.....

RENEWALS ON PAYMENT OF THE LICENCE FEE

Period	Signature and designation of the renewing authority	Date of Renewal

Copy of orders passed under section 9 of the Act (Rule 18).

PART C SHOOTING RULES

28. The shooting of wild birds and wild animals is prohibited without a licence at any season of the year, except as provided for in section 4 of the Act.

29. A shooting license shall be issued on payment of prescribed fees to such persons only as are entitled to carry guns and rifles for sport under the Indian Arms Act of 1878, or to those persons who are exempted from the operation of that Act and to no other person; except the Rulers of the States integrated into Himachal Pradesh as provided for under paragraph 30 of the Memorandum of personal privileges of the Rulers of merged States, from whom no fees shall be charged. Retainers (except those of the Ruler of an integrated State within the territory of the said State as it existed before merger who shall be issued licenses without payment of fees) shall not be permitted to shoot unless they are in possession of a shooting license under these Rules, for which the proper fee has been paid. In case of the refusal of an application for the grant or renewal of a shooting license, the fee, if paid in advance, shall be refunded to the applicant.

30. Every shooting licence shall be issued in the name of the person only. The death of licensee or the cancellation of his licence under the Indian Arms Act XI of 1878, for whatsoever cause, shall automatically cancel his licence under these Rules.

31. The shooting licences shall be of two kinds—one for Winter Shooting season *i.e.*, from 1st December to 28th February, for General Game, and the other for Summer Shooting season *i.e.*, for 1st June to 31st August for wild animals only mentioned under Rule No. 32 of Part C of these Rules. The shooting licence fee for each shooting season shall be Rs. 15 which shall be paid in advance. The licence shall be valid for the District only.

32. The licence holder of Winter season shall be entitled to shoot in addition to the birds mentioned in Schedule II & III of the Act, subject to four birds per gun per day, hare and the following animals but during Summer Shooting season only the animals mentioned in Schedule No. II & III shall be permitted to be shot by the licensee subject to the extent of animals mentioned under column No. 5 and provided that the length of horns of each kind shall not be under that mentioned in column No. 6 for each species.—

Sl. No.	Scientific name	English name	Vernacular name	Total number to be killed or captured during a season under each licence	Minimum length of horns
1	2	3	4	5	6
1.	Antelope cervicapar	Black Buck or Indian Antelope	Hiran, Haran Kala-Hiran, Mirg, Modain Kalhra.	2	20"
2.	Gazella bannetti	Indian-Gazelle or Ravine deer	Chinkara, Chakara, Kalpunch, Ask, Ahuratt, Gorahiran, Chitta-Hiran.	1	10"
3.	Gemas goral	Goral	Pij, Ban-Bakri, Ghorar, Gurrar, Ghoral, Gudh, Sar.	2	4"
4.	Cervulus Muntiac	Barking deer	Kakar, Kukkar, Kakkar.	1	4"

(including pedical)

1	2	3	4	5	6
5.	Cervus Porcinus	Hog deer	Para, Pahra, Parha.	1	12"
6.	Cervus axis	Spotted deer	Chital, Chittal, Chitra, Jhung, Pagal Hiran, Charba Hiran.	1	30"
7.	Cervus Unicolor	Sambhar	Sambhar, Samar, Bara-Singa.	1	30"

33. Where a licence, granted, or renewed under these Rules, is lost or accidentally destroyed, the authority empowered to grant such licence, may grant another licence, which shall be a duplicate copy of the original licence, on payment of a fee of rupee one.

34. (i) The killing or capture of any of the animals mentioned in the list attached to Rule 32 by driving or chasing, with dogs or by spearing or by the aid of artificial lights, is strictly prohibited and no person shall lie in wait near any water or salt licks for the purpose of killing or capturing any such animal; nor shall any such animal be shot from any wheeled vehicle or from pits.

(ii) A licence holder under these Rules shall enter the vernacular name and number of wild birds and wild animals shot killed, captured by him after his day's shoot or by persons authorised under Rule 16 of these Rules to require the production of a licence in case the licence holder is checked by them while shooting, in the form of record of Game killed or captured and prescribed here, which shall be attached with the licence by the licence issuing authorities at the time of issue or renewal of licence. With in a fortnight after the expiry of the licence this form shall be forwarded by the licence issuing authorities to the Deputy Game Warden for record.

35. The licence issuing agencies shall maintain a register, in the form given below, and all licences issued or renewed by them shall be entered therein as soon as they are issued or renewed. All registers maintained by Gazetted Officer authorised by the Chief Conservator of Forests shall be sent by them to the Chief Conservator of Forests for scrutiny on the 1st day of April in each year.

Register of licences issued or renewed under the Shooting Rules.—

1. Sl. No. of licence.
2. Name of applicant.
3. Fire Arm license No.
4. Date of expiry of Fire Arm license.
5. General Game shooting licence.
6. Areas in which shooting is permitted.
7. Valid upto.
8. Fee realised.
9. Initial of the Licensing Officer.
10. Treasury Receipt No. and date.

HIMACHAL PRADESH GENERAL GAME SHOOTING LICENCE

Serial number of licence.

Date of issue.

Kind of licence (General Game).

Valid for District of.....only.

In consideration of the sum of Rs. received from, this licence is hereby issued to him and is valid upto, 19...

This licence is issued under the provisions for the Punjab Wild Birds and Wild Animals Protection Act (11 of 1933), as applied to Himachal Pradesh and the Rules framed thereunder.

Dated the, 19...

Signature and designation of the authority issuing the licence.

RENEWAL ON PAYMENT OF THE LICENCE FEE

Period	Signature and designation of the renewing authority	Date of renewal
Upto	19	
Upto	19	
Upto	19	
Upto	19	

Copy of orders passed under section 9 of the Act (Rule 18).

PART D

PURCHASE, POSSESSION AND SALE RULES

36. Except as provided for in section 4 of the Act, a contractor under these Rules shall not purchase, possess, sell or offer for sale any wild bird or wild animal within the meaning of this Act, without a licence.

37. The fee for a licence for the purchase, possession and sale of wild birds and wild animals shall be Rs. 20.

38. No licence under this part shall be valid under any other part of these Rules or entitle the holder thereof to purchase, possess, sell or offer for sale in any District other than the one for which he holds the licence.

39. A licence shall be issued in the form appended to these Rules and the Chief Conservator of Forests or any Gazetted Officer authorized by him in this behalf may determine the number of licences to be issued for any District and the persons to whom they are to be issued.

40. A contractor shall not purchase or take into his possession any wild bird or wild animal from any person not holding a licence under the Rules in parts B and C.

41. A contractor shall keep a register in the form appended to these Rules and shall on demand furnish all information required by any person authorized by the Chief Conservator of Forests, in this behalf and give every facility to any such person to examine his register.

42. A contractor shall not possess, purchase, sell or offer for sale any wild bird or any wild animal which has been seriously injured or maimed and is still alive.

HIMACHAL PRADESH CONTRACTOR'S LICENCE

Serial number of licence.

Date of issue.

Valid for the District of only.

In consideration of the sum of Rs. received from, this licence is hereby issued to him and is valid upto, 19...

This licence is issued under the provisions of the Punjab Wild Birds and Wild Animals Protection Act (II of 1933), as applied to Himachal Pradesh and the Rules framed thereunder.

Dated the....., 19... *Signature and designation of the authority issuing the licence.*

RENEWAL ON PAYMENT OF THE LICENCE FEE

Period	Signature and designation of the renewing authority	Date of renewal
Upto	19	
Upto	19	

Copy of orders passed under section 9 of the Act (Rule 18).

REGISTER TO BE MAINTAINED BY THE CONTRACTOR

Name of contractor.....

Date	Number of each kind of bird and animal purchased	Name of person from whom purchased and number and date of the licence
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For the purpose of this register, in column 3, "ducks" shall mean any species of duck and teal, and "Sand grouse" shall mean any species of sand grouse.

For the purpose of this register, in column 3, gray partridges and black partridges shall be entered separately.

This register shall be provided by the contractor himself at his own cost.

*43. In column No. 5 of Schedule No. II & III of the Punjab Wild Birds and Wild Animals Protection Act, against serial No. 1 to 4 and 1 to 88 both inclusive, under Birds (except serial No. 22, 23 and 84 which shall be protected birds throughout the year), for "1st October to 15th March" read "1st December to 28th February both days inclusive".

*44. In column No. 5 of Schedule No. III of the Punjab Wild Birds and Wild Animals Protection Act, against Sl. No. 89 to 110 (except Sl. No. 97 the Musk deer which shall be protected species throughout the year) for "1st October to 15th March" read "1st December to 28th February or 1st June to 30th September both days inclusive".

*45. The birds mentioned at Serial No. 11 to 19 in Schedule I of the Punjab Wild Birds and Wild Animals Protection Act shall be deleted and the same added to Schedule III of the Act as Serial No. 89 to 99. The animal at the existing Serial No. 89 to 110 shall be renumbered as Serial No. 100 to 121.

FOREST DEPARTMENT, HIMACHAL PRADESH FORM OF GAME RECORD, UNDER RULE 34 (ii)

(Rule No.....of the Rule notified under Himachal Pradesh Government Notification No.....dated.....)

Record of Game killed by Shri.....
under licence No.....dated.....

1. Species.
2. No. shot.
3. Place and date of shooting.
4. Size of horns in case of animals.

I hereby declare that the information shown above is correct and that no other Game was killed or captured by me in the State of Himachal Pradesh during the said period.

Infringement of the conditions and Rules, if any:—

Licence holder's signature.

*Note:—*For non-submission of this form to the licence issuing authority after its completion and within a fortnight from the expiry of the shooting licence, the licence holder shall be liable to be prosecuted.

A. B. MALIK, I.A.S.,
Secretary.